

REMARKS

Claims 38-56 and 76-168 are pending in the patent application.

Species Election

The Office Action stated that the patent application is directed to patentably distinct species: (a) an impermeable layer attached to a package and (b) an impermeable layer attached to a permeable layer. The Applicants elect species "b" -- an impermeable layer attached to a permeable layer. The claims that are believed to cover species "b" are as follows: 38-56, 76-86, 119-121, 123-140, 142-159, and 161-168. Of these identified claims, the Applicants believe that claims 38-39, 41-56, 76-77, 79-86, 119-120, 123-139, 142-158, and 161-168 are generic in that they cover both species "a" and "b." The Applicants respectfully request that the Examiner contact the undersigned if it is believed that the above-identified claims have not been properly identified as covering species "b" and being generic.


Conclusion

The Applicants submit that the claims are in a condition for allowance and action toward that end is earnestly solicited. The Applicants are including a one-month extension fee and it is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47097-01106USC1.

Respectfully submitted,

March 5, 2004

Date


John C. Gatz
Reg. No. 41,774
JENKENS & GILCHRIST, P.C.
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-3900

Attorneys for Applicants